

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
Thursday, December 11, 2014 – 1:00 p.m. – Room 250 State Capitol

Members Present:

Rep. Johnny Anderson, House Chair
Sen. Gene Davis
Rep. Tim M. Cosgrove
Rep. Ronda Rudd Menlove

Members Absent:

Sen. Allen M. Christensen, Senate Chair

Staff Present:

Mr. Mark Andrews, Policy Analyst
Ms. Lee Killian, Associate General Counsel
Ms. Debra Hale, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Oversight Panel Business

Chair Anderson called the meeting to order at 1:22 p.m. Sen. Christensen was excused from the meeting.

MOTION: Rep. Menlove moved to approve the minutes of the October 23, 2014, meeting. The motion passed unanimously.

The following annual reports have been posted to the panel's website under "Meeting Materials" for this meeting:

"Child Welfare Statutory Time Requirements Report, Fiscal Year 2014," by the Administrative Office of the Courts;

"Parental Defense Alliance of Utah Annual Report, July 2013–June 2014," by the Parental Defense Alliance of Utah;

"Utah Office of Guardian ad Litem & CASA 2014 Annual Report," by the Office of Guardian ad Litem;

"Office of Child Protection Ombudsman Annual Report, FY 2014," by the Office of Child Protection Ombudsman; and

"Child and Family Services Annual Report, 2013," by the Department of Human Services.

2. Child Placement

Ms. Killian distributed and reviewed draft legislation "Emergency Placement of Children" (2015FL-0593/003), which permits a child to be placed with a friend or a sibling's adoptive parents, even though the friend or parents are not licensed foster parents.

Ms. Killian; Mr. Brent Platt, Director, Division of Child and Family Services (DCFS); and Ms. Charri Brummer, Deputy Director, DCFS, addressed questions about the draft legislation. Mr. Platt indicated he favored amending the draft to require a friend, at some point, to become a licensed foster parent.

MOTION: Rep. Cosgrove moved to recommend draft legislation "Emergency Placement of Children" as a committee bill. The motion passed unanimously.

Chair Anderson stated that he will be the House sponsor of the legislation. Sen. Davis expressed his willingness to be the Senate sponsor.

3. Prevention of Child Abuse

Mr. Platt emphasized that the state needs to put forth more effort to educate the public on child abuse prevention. He asked the panel for organized, coordinated options to engage Utah's communities, parents, guardians, caregivers, and neighbors to help raise awareness of available resources such as family support centers and Children's Justice Centers. He suggested possible legislation to help raise this awareness.

Rep. Menlove suggested, under leadership of the DCFS, forming a citizen committee group with someone from a large ad agency to become a media champion in promoting awareness of this issue. She added that an invitation from the governor would be helpful.

Rep. Cosgrove suggested that churches be encouraged to teach parenting skills and inform parents of viable options and alternatives. He stressed that caseworkers and directors are too overwhelmed with resource availability to focus on case management.

Sen. Davis suggested approaching the appropriations subcommittee and asking for startup grant money for the division to begin explaining to the public that there is an issue and that it is preventable, also, to provide names and locations of available resources.

Chair Anderson offered the panel's assistance to run a resolution with the governor, to gather a committee, or to organize a press conference as an invitation to get key players involved. He suggested that a great way to approach the Legislature would be to set up a long-term child abuse prevention plan and then come back to the Legislature with requests for whatever is needed to implement the plan.

4. Statutorily Required Reports

Mr. Brad McGarry, Director, Office of Services Review, Department of Human Services, reported that one year ago, the office had been doing work in the Western Region and found deficits there that had a lot of impact on performance reviews. As a result, he said, the region and division got together and developed a practice improvement plan and worked on the case process requirements. As they worked the plan, he reported, efforts paid off, and the deficits turned around.

Mr. McGarry listed highlights from both the case process review and the qualitative case review ("A Systematic Review of the Division of Child and Family Services: Outcomes of Qualitative Case Reviews and Case Process Reviews, FY2014," emailed to panel members before the meeting). He said that, overall, DCFS regions performed as well as or better than the year before. He noted that the question is whether Western Region can sustain its improvement in performance.

Ms. Kristin Lambert, Analyst, Office of Services Review, Department of Human Services, reported on the results of the most recent qualitative case review.

Chair Anderson asked how the Legislature could support DCFS regions in their efforts to achieve permanency for children. Mr. Platt indicated that he should talk with the region directors about that. Rep. Anderson proposed that the panel focus its attention and efforts next year on permanency, with the idea of coming up with some solutions.

Mr. Platt said that corrective action plans for teaming and assessment in Eastern Region and long-term view in Southwest Region and Western Region are available online, and that he will send links to the plans to the panel.

5. Foster Care Licensing

Ms. Liz Knight, Director, Office of Guardian ad Litem, said that DCFS needs more Transition to Adult Living coordinators. She also said that proctor homes are needed, but very few of them are willing to become a permanent placement for a child.

Mr. Platt said that DCFS is looking at whether to provide financial rewards to proctor homes that do a better job than others at achieving permanency for children in their care.

Representative-elect Bradley M. Daw said that it appears there was a policy change made some time ago to the limit on the number of children that may be cared for by a foster family, and that the change was made to solve a problem that did not exist.

Dr. Sandie Waters, foster mother, proposed that the limit on the number of children in a Level 3 foster care home be increased from three children to four children, and that perhaps exceptions be permitted to allow for five children. She indicated that the change would save money by allowing children to be placed in foster homes rather than proctor homes, which are more expensive than foster homes. She said that foster homes offer more opportunities than proctor homes for children to attain permanency.

Ms. Chrissy Watson, foster mother, distributed and referred to "Placement: Structured Homes vs. Proctor Care." She indicated that increasing the limit on the number of children in Level 3 foster homes would: 1) align DCFS practice more closely with recommendations in a recent legislative audit; 2) provide additional permanency options for teens in foster care; 3) support DCFS' goal to reduce the number of foster care children whose case goal is "independent living"; and 4) permit funding and other resources to be invested in more permanent options for teens. Ms. Watson discussed how much money could be saved by placing additional children in Level 3 foster care rather than proctor care.

Ms. Charri Brummer, Deputy Director, DCFS, reviewed the history of the changes to the limit on the number of foster children allowed per foster home. Chair Anderson asked that Ms. Killian find out who sponsored the 2005 legislation modifying the limit.

Mr. Mike Hamblin, Director, Foster Family Recruitment, Utah Foster Care Foundation, offered several observations about the limit.

Ms. Brummer said that DCFS has had several meetings about the limit with the Department of Human Services' Office of Licensing. She proposed an exception to the limit be granted for sibling groups.

Mr. Platt indicated that he wants to be sure that changes to child limits do not result in the creation of small non-family group homes. He also expressed his desire that DCFS retain the ability to limit the number of children placed in a foster home. At the request of Chair Anderson, Ms. Killian indicated she would review DCFS' authority to limit the number of children in foster care.

Representative-elect Daw asked the panel to support the recommendations made by Dr. Waters and Ms. Watson.

6. Fatality Reviews

Ms. Cheryl Dalley, Fatality Review Coordinator, Department of Human Services, distributed and discussed "Fatality Review Executive Summary, FY 2014." She reported that in FY 2014, 37 children died whose families either had an open case with DCFS or had been served by the division within the past 12 months. This was an increase from 29 fatalities the previous year. Ms. Dalley reported that the Child Fatality Review Committee made recommendations in 17 of the 28 cases reviewed, but in none of the cases was the fatality the direct result of services received from DCFS.

MOTION: Sen. Davis moved that the meeting be closed, pursuant to Utah Code Subsection 52-4-205(2)(b), for the purpose of discussing fatality review reports, responses to the reports, or an individual case. The motion passed unanimously.

The panel met in closed session.

MOTION: Rep. Cosgrove moved to reopen the meeting to the public. The motion passed unanimously.

Sen. Davis requested that DCFS review the recommendations made by the Child Fatality Review Committee and report at a future meeting of the panel on its response to those recommendations. Chair Anderson indicated that Mr. Andrews will make sure that is done.

Rep. Menlove said that because impaired children are abused at a higher rate, she recommended that when DCFS goes into situations where medical issues or special needs children are involved, qualified personnel who understand these needs and who can communicate with the children and gather accurate information to assist in making good decisions be present.

Rep. Cosgrove said he would like the panel to receive a report on the private adoption process, including whether there are best practices for the process and whether those best practices include licensure of private adoption agencies.

MOTION: Sen. Davis moved that the panel study the private adoption process in the state, particularly as it pertains to the need for home studies prior to the adoption of special needs children. The motion passed unanimously.

7. Adjourn

Sen. Davis commended the panel and its chairs on their great work, attention, and sensitivity to child welfare issues and expressed his desire to encourage legislative management to keep the panel in place, as it is in statute, in order to ensure that Utah is a better place for children to be safe and treated well. He recognized Rep. Cosgrove and Rep. Menlove, both of whom are retiring from the Legislature, for their service on the panel.

Chair Anderson agreed with Sen. Davis's comments and added his appreciation to the panel and the retiring legislators.

MOTION: Sen. Davis moved to adjourn the meeting. The motion passed unanimously.

Chair Anderson adjourned the meeting at 3:57 p.m.